



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/584,420

06/04/2007

Naoki Muramatsu

9683/268

9445

757 7590 07/02/2008
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

EXAMINER

TRUONG, LECHI

ART UNIT

PAPER NUMBER

2194

MAIL DATE

DELIVERY MODE

07/02/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/584,420	Applicant(s) MURAMATSU ET AL.	
	Examiner LECHI TRUONG	Art Unit 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/04/08, 02/11/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 8-27 are presented for the examination.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 15-19 are rejected under 35 U.S.C. 101 because they are directed to non-statutory subject matter.

3. Claims 15-19 are rejected under 35. U.S.C 101 because the claimed invention is directed to “A computer program product”, but appearing to be comprised of software alone without claiming associated computer hardware required for execution. For example, claim 15 defines “A computer program product” in the preamble and the body of the claim recites “computer program codes”. Computer program codes appear to be software modules/functions. Software alone is directed to a non-statutory subject matter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8, 11, 14-22, 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Judge et al (US 6,430,570 B1) in view of Ruutu (US 2004/0205769 A1) and further in view of DeSimone (US 6,138,141 A).

6. **As to claim 8**, Judge teaches the invention substantially as claimed including:

a system program (a Java virtual machine, col 1, ln 25-30), a parent program(java class 28a, 28 b, col 4, ln 10-15), a program(application 26a, 26b, 26c, col 4, ln 10-16), first storing means for storing a system program necessary for execution of a program, a parent program(col 1, ln 25-30/ col 4, ln 10-15), a management program(application manager 24, col 3, ln 51-56), a management program for managing an execution of a program which is performed by using the parent program(col 3, ln 31-56/ col 4, ln 10-17), a child program(java application, col 2, ln 30-35/ application 26a, 26 b, 26 c, col 5, ln 32-36), second storing means for storing a child program(col 2, ln 30-35/ col 5, ln 32-36); child program executing means for executing the child program stored in the second storing means by using the system program and the parent program(col 6, ln 15-24/ ln 35-42), management program executing means for executing the management program by using the system program(col 3, ln 50-56), a work area (embedded device 20, col 4, ln 45-52), third storing means which is a work area for the child program which is executed and caused to run by the child program executing means(col 4, ln 45-52), fourth storing means which is accessed by the management program executing means(col 5, ln 5-15).

7. Judge does not explicitly teach writing in the fourth storing means key information for identifying the child program which is executed , receiving a message via a communication network; and matches key information stored in the fourth storing means, writing in the third

storing means information that the message has been received, by using system program and management program. However, Ruutu teaches writing in the fourth storing means key information for identifying the child program which is executed, receiving a message via a communication network; and matches key information stored in the fourth storing means, writing in the third storing means information that the message has been received, by using system program and management program (creating a table of entries where each of the entries includes one of the application identifiers and its corresponding outbound logical connection identifier used to transfer a particular message, etc. In one particular embodiment, creating a table of entries includes creating the table of entries using a Message Queue (MQ), para [0012], ln 22-27/ a memory to store affiliations of application identifiers and corresponding outbound logical connection identifiers for each of one or more outbound messages communicated from the source device. A Message Queue (MQ) module is configured to compare inbound logical connection identifiers of inbound messages to the outbound logical connection identifiers of the stored affiliations, para [0014], ln 4-8).

8. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the teaching of Judge with Ruutu to incorporate the feature of writing in the fourth storing means key information for identifying the child program which is executed, receiving a message via a communication network; and matches key information stored because this provides the identification to facilitate the location of an application among plurality of applications for executing.

9. Judge and Ruutu do not teach key information includes a byte array and a uniform resource locator address. However, DeSimone teaches key information includes a byte array and

Art Unit: 2195

a uniform resource locator address (Thus the response 404 indicates that two objects matched the request 403. The first object has URL <http://www.nytimes.com/index.html>, having been last modified on Saturday, Oct. 29, 1996 at 19:54:02 GMT, and having a length of 575 bytes. The second object has a URL of <http://www.nytimes.com/info/textpath.html> having been last modified on Saturday, Oct. 29, 1996 at 19:56:34 GMT, and having a length of 4096 bytes, col 6, ln 38-45).

10. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the teaching of Judge and Ruutu with DeSimone to incorporate the feature of key information includes a byte array and a uniform resource locator address because this reduces the delay as perceived by the user to access the object and further, saves bandwidth on links that connect the IASP network to the Internet.

11. **As to claim 11**, Judge teaches the key information identifies the location of the child program on the server(col 11, ln 10- 21) and DeSimone teaches key information includes a byte array and a uniform resource locator address(Thus the response 404 indicates that two objects matched the request 403. The first object has URL <http://www.nytimes.com/index.html>, having been last modified on Saturday, Oct. 29, 1996 at 19:54:02 GMT, and having a length of 575 bytes. The second object has a URL of <http://www.nytimes.com/info/textpath.html> having been last modified on Saturday, Oct. 29, 1996 at 19:56:34 GMT, and having a length of 4096 bytes, col 6, ln 38-45).

13. **As to claim 14**, Judge teaches the child program is unmanaged by the system program (col 9, ln 40-45).

14. **As to claim 15**, it is an apparatus claim of claim 8; therefore, it is rejected for the same reasons as claim 8 above.

15. **As to claim 16**, DeSimone teaches the uniform resource locator address identifies a location of child program on a server (col 5, ln 5-10).

16. **As to claims 17, 18**, Judge teaches child program is Java, the parent program / the child program includes a virtual machine executable to execute run-time instruction (col 1, ln 25-30/col 4, and ln 20-22).

17. **As to claim 19**, it is an apparatus claim of claim 14; therefore, it is rejected for the same reason as claim 14.

18. **As to claim 20**, it is an apparatus claims 15, 17, 18; therefore, it is rejected for the same reasons as claims 15, 17, 18 above.

19. **As to claim 21**, DeSimone teaches key information includes a byte array and a uniform resource locator address (Thus the response 404 indicates that two objects matched the request 403. The first object has URL <http://www.nytimes.com/index.html>, having been last modified on Saturday, Oct. 29, 1996 at 19:54:02 GMT, and having a length of 575 bytes. The second object has a URL of <http://www.nytimes.com/info/textpath.html> having been last modified on Saturday, Oct. 29, 1996 at 19:56:34 GMT, and having a length of 4096 bytes, col 6, ln 38-45)

20. **As to claim 22**, DeSimone teaches the uniform resource locator address identifies a location of the run-time executable program on a server in communication with communication network (col 5, ln 5-10).

22. **As to claim 24**, Judge teaches the runtime executable program changing execution in response to the trigger (col 8, ln 45-50).

23. **As to claim 25**, Judge teaches the application identifier is uniquely assigned to the application manager within the communication network (col 11, ln 49-53).

24. **As to claim 26**, it is an apparatus claim of claims 17, 18; therefore, it is rejected for the same reasons as claims 17, 18 above.

25. **As to claim 27**, Judge teaches upon receipt of selection of the run time executable program from a user interface of communication terminal, col 11, ln 9-15)

26. Claims 10, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Judge et al (US 6,430,570 b1) in view of Ruutu (US 2004/0205769 A1) in view of DeSimone (US 6,138,141 A), as applied to claim 8 above, and further in view of Woodring (US 2003/0063731 A1).

27. **As to claim 10**, Ruutu teaches writing them in the second storing means in association with each other, wherein, the first writing means reads from the second storing means the key information for identifying the child program (para [0047], ln 1-5) and Judge teaches caused to run by the child program executing means by using the system program and the management program (col 4, ln 10-25).

28. Judge, Ruutu and DeSimone do not teach download means for downloading from a server the child program and key information for identifying the child program. However, Woodring teaches download means for downloading from a server the child program and key information for identifying the child program (The server stores the information received from the SCP and, upon request, provides the subscriber with enhanced caller-id information, para [0009], ln 4-9).

29. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the teaching of Judge, Ruutu and DeSimone with Woodring to incorporate the feature of download means for downloading from a server the child program and key information for identifying the child program because this allows subscribers to monitor their telephone records from any location which is available for accessing to the server.

30. **As to claim 13**, it is an apparatus claim of claim 10; therefore, it is rejected for the same reason as claim 10 above.

31. Claims 12, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Judge et al (US 6,430,570 b1) in view of Ruutu (US 2004/0205769 A1) in view of DeSimone (US 6,138,141 A), as applied to claim 8 above, and in view Kalavade et al (US 2003/0051041 A1).

32. **As to claim 12**, Ruutu teaches the message based upon determination (para [0014], ln 4-10/ para [0057], ln 9-13).

33. Judge, Ruutu and Demimonde do not teach a mobile communication network; a telephone number of the communication terminal. However, Kalavade teaches a mobile communication network (computer laptop, para [006], ln 1-5), a telephone number of the communication terminal is sent from a base station constituting the communication network (para [007], ln 1-9).

34. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the teaching of Judge, Ruutu and DeSimone with Kalavade to incorporate the feature of a mobile, a message addressed to a telephone number, receives a message

addressed to the communication terminal by using the radio communication means because this supports seamless mobility throughout the wide area.

21. **As to claim 23**, it is an apparatus claim of claim 12; therefore, it is rejected for the same reason as claim 12 above.

Allowable Subject Matter

35. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to the argument

36. Applicant's arguments filed 03/04/2008 for claims 1-27 have been considered but are not persuasive in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (571) 272-3767. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

/Meng-Ai An/
Supervisory Patent Examiner, Art Unit 2195
July 3, 2008

Application/Control Number: 10/584,420
Art Unit: 2195

Page 11